

## REMARKS

Per the final Office Action, claims 1-38 are pending and rejected. Herein independent claims 1, 11, 22, 31, 34, and 37 and dependent claim 38 is amended, no new claims are added, and no claims are canceled.

Entry and favorable consideration of the amendments and remarks presented herewith is earnestly solicited.

### **Claim Objection**

Claims 22, 37, and 38 are objected to for allegedly lacking structure for functions recited therein.

Applicant herewith amends the claims to positively recite structure alleged to be omitted from said claims.

### **Claim Rejections Under 35 U.S.C. §102**

**Claims 1-38 are rejected as allegedly anticipated under 35 U.S.C. §102(b) by the '328 patent to Foster et al. (Foster).**

First of all, Applicants respectfully point out that the presently claimed invention relates to **affirmatively blocking an input to (automatic gain controlled) amplifiers used to sense excursions in potential via remotely coupled electrodes.**

Foster, on the other hand, is wholly and exclusively focused upon merely providing a so-called "mode switch" from a pacing mode in which the electrodes are used to sense evoked and intrinsic cardiac depolarization events and such sensed events are used to set delay intervals used to deliver subsequent pacing therapy. An exemplary mode switch described in some detail in Foster involves going from a DDD cardiac pacing and cardiac sensing mode to an asynchronous

pacing-only mode such as VOO. The following passages clearly indicate this aspect and related subject matter disclosed in Foster (from col. 3, line 51-59):

As is known in the art, a demand (DDD) pacemaker denotes an implantable device that paces and senses both atrial and ventricular chambers of the heart and can either trigger or inhibit functions depending on detected parameters. During normal operation, the primary module 20 controls the various pacing, cardioversion and defibrillation operations of the implantable device 10 via electrical pacing lead 24, and detects parameters indicating how the heart is functioning via electrical sensing lead 28.

And from column 4, lines 10-29:

The implantable device 10 also includes a secondary module 30, which contains independent circuitry 31, and battery 32 components also separated by a non-magnetic and non-corrosive layer 33. The secondary module 30 is not activated when the primary module 20 operates, but is only switched on when the primary module malfunctions or detects a voltage induced by electromagnetic interference (EMI) that exceeds a certain level, such as, for example, 3 Volts. During such an occurrence, the secondary module 30 acts as a backup VOO pacemaker (ventricle driven, with no ventricle-sensing input nor any ventricular triggering or inhibition), which is ventricle driven, with no ventricle-sensing input nor any ventricular triggering or inhibition. The secondary module 30 sends pacing signals via a unipolar electrical lead 34 to a ventricle chamber of the heart but does not receive any detected input signals. In accordance with its backup function, the secondary module 30 is supplied with power by a separate battery source 32, which is also of a non-magnetic type, such as a lithium-iodine battery.

Foster also discloses (at the end of the text passage immediately above) an additional feature; namely, use of a non-magnetic battery in conjunction with the secondary module operating in the asynchronous pacing-only mode (e.g. VOO). In any event the claimed subject matter is clearly distinguishable over Foster as Foster fails to include *each and every recited claim limitation*.

Since Foster is deficient vis-à-vis one or more of the affirmatively recited claim limitations Foster does not support the posited rejection and should be properly withdrawn.

In significant contrast, the presently claimed invention affirmatively blocks signals – including MRI-induced signals – from reaching sensing circuitry within an IMD housing.

Thus, given the completely different approaches to a solution of the problem(s) addressed, it is unreasonable to reject the claimed invention solely based upon Foster.

Accordingly, Applicants respectfully request withdrawal of the rejection based solely upon Foster.

**Conclusion**

Applicants respectfully assert that the claims are now in condition for allowance and earnestly solicit the Examiner to issue a Notice of Allowance in due course so the claimed invention may pass to timely issuance as U.S. Letters Patent.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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